

***A REGULAR MEETING OF THE FAUQUIER COUNTY BOARD OF SUPERVISORS
WAS HELD JULY 15, 2002 AT 1:00 P.M. IN WARRENTON, VIRGINIA***

P R E S E N T Mr. Raymond Graham, Chairman; Ms. Sharon McCamy, Vice Chair; Mr. Harry Atherton; Mr. Joe Winkelmann; Mr. Larry L. Weeks; Mr. G. Robert Lee, County Administrator; Mr. Paul S. McCulla, County Attorney

AGENDA REVIEW

The Board of Supervisors reviewed the Agenda.

**RAPPAHANNOCK-RAPIDAN COMMUNITY SERVICES BOARD AREA AGENCY ON
AGING PERFORMANCE CONTRACT AND AREA PLAN FOR FY 2003**

Mr. Brian Duncan, Director of the Rappahannock-Rapidan Community Services Board, gave an overview of the Area Agency on Aging Performance Contract and Area Plan for FY 2003. Mr. Graham introduced Rappahannock-Rapidan Community Services Board members, Max Harway and David Lambelet, who commented on program operations and state funding issues.

VOTING PRECINCT LOCATIONS AND ADA COMPLIANCE ISSUES

Tony Hooper, Assistant County Administrator, gave an overview of a study and recommendations for locations of voting precinct facilities that would result in ADA compliance. Registrar Phyllis Perkins, Electoral Board members Stan Heflin and Bill Sudduth, and Disability Services Board member Lynda McPherson, discussed options for alternative locations and projected expenditures.

COUNTY OFFICE SPACE PLANS

Tony Hooper, Assistant County Administrator, introduced Ron Marino of Fauquier Free Clinic, and architect Fred Bobitt. Mr. Hooper then gave an update on the ten-year County office space plan, to include the Hospital Drive, Warren Green, and Courthouse office complexes.

WARRENTON-FAUQUIER AIRPORT IMPROVEMENTS

Assistant County Administrator Tony Hooper introduced Warrenton-Fauquier Airport Committee members Jim VanLuven, Ron Gatewood and Willis Risdon, and engineering consultants, George Paris and Chad Harper. Mr. Hooper then reviewed the Warrenton-Fauquier Airport Six-Year Plan, County management contract, runway extension and rehabilitation project, fixed base operator's contract revisions, economic development, and utilities improvements.

STORMWATER MANAGEMENT ORDINANCE

Mr. Rick Carr, Director of Community Development, provided an overview of a proposed Stormwater Management Ordinance for adoption into the Fauquier County Code. Ms. Jennifer Kilanski of the Engineering Department highlighted the key elements for the proposed Ordinance.

ADOPTION OF THE AGENDA

Ms. McCamy moved to adopt the Agenda, subject to the following amendments:

- Add agenda item #9, A Resolution to Authorize the Chairman of the Board of Supervisors to Execute a Settlement Agreement.

Mr. Winkelmann seconded, and the vote for the motion was unanimous as follows:

Ayes:	<i>Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Joe Winkelmann; Mr. Harry Atherton; Mr. Larry L. Weeks</i>
Nays:	<i>None</i>
Absent During Vote:	<i>None</i>
Abstention:	<i>None</i>

CITIZENS' TIME

- Mr. Jonathan Whichard, Center District, resident of Poplar Grove subdivision, expressed concern about noise abatement on Route 29 South, and requested that a County noise ordinance be adopted, and that Virginia State Police inspectors be stationed at the truck weigh station and County landfill.

PROCLAMATIONS AND RECOGNITIONS

- Ms. McCamy presented Certificates of Appreciation to members of the Bealeton-Opal-Remington Citizens Planning Committee.
- Mr. Graham presented Certificates of Appreciation to members of the Catlett-Calverton-Midland Citizens Planning Committee.
- Ms. McCamy presented Certificates of Appreciation to members of the Bandwidth Task Force.
- Mr. Weeks recognized the retirement of Major James Waddell from the Fauquier County Sheriff's Office and announced that the Proclamation recognizing his service to the community would be presented during a retirement reception scheduled at a future date.
- Mr. Winkelmann recognized the members present from Boyscout Troop 600 and Boyscout Troop 180.

CONSENT AGENDA

Ms. McCamy moved to adopt the following Consent Agenda items. Mr. Weeks seconded, and the vote for the motion was unanimous as follows:

Ayes:	<i>Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Joe Winkelmann; Mr. Harry Atherton; Mr. Larry L. Weeks</i>
Nays:	<i>None</i>
Absent During Vote:	<i>None</i>
Abstention:	<i>None</i>
Abstention:	<i>None</i>

Approval of Minutes for May 20, 2002 Board of Supervisors Regular Meeting and June 3, 2002 Adjourned Meeting

A Resolution to Continue the Frytown Water Project

RESOLUTION

A RESOLUTION TO CONTINUE THE FRYTOWN WATER PROJECT

WHEREAS, the Board of Supervisors has previously provided funding in the amount of \$100,000 to continue monitoring wells and providing either bottled water or a filtration system to a number of homes in the Frytown area; and

WHEREAS, the Board of Supervisors remains committed to working with the Health Department to ensure that safe drinking water is available to the residents of Frytown and to continue the ground water monitoring program; and

WHEREAS, a group working through the Public Safety Committee is monitoring options to provide a long-term solution to the problem of contaminated water and has identified several areas to drill a new well with special casing; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15th day of July 2002, That the Board of Supervisors does hereby authorize the continuation, at County expense, of the testing and bottled water/carbon filtration program through June 30, 2003, utilizing existing funding previously approved for this program.

A Resolution to Request that the Virginia Department of Transportation Install “Watch for Children” Signs on Davis Road

RESOLUTION

A RESOLUTION TO REQUEST THAT THE VIRGINIA DEPARTMENT
OF TRANSPORTATION INSTALL “WATCH FOR CHILDREN” SIGNS
ON DAVIS ROAD

WHEREAS, the Fauquier County Transportation Committee received a request from Edward Davis, a resident on Davis Road (Route 824), to erect “Watch for Children” signage on Davis Road; and

WHEREAS, the Virginia Department of Transportation (VDOT) requires that the Board of Supervisors forward a resolution approving each request for “Watch for Children” signage, so that VDOT may accommodate these requests; and

WHEREAS, at its meeting on June 26, 2002, the Fauquier County Transportation Committee approved a motion recommending approval of the requested “Watch for Children” signs; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15th day of July 2002, That the Board of Supervisors does hereby authorize the County's request for installation and maintenance by VDOT of "Watch for Children" signs on Davis Road.

A Resolution to Request that the Virginia Department of Transportation Install "Watch for Children" Signs on Mill Run Drive

RESOLUTION

A RESOLUTION TO REQUEST THAT THE VIRGINIA DEPARTMENT
OF TRANSPORTATION INSTALL "WATCH FOR CHILDREN" SIGNS
ON MILL RUN DRIVE

WHEREAS, the Fauquier County Transportation Committee received a request from Betsy Hostrop, a resident on Mill Run Drive, to erect "Watch for Children" signage on Mill Run Drive; and

WHEREAS, the Virginia Department of Transportation (VDOT) requires that the Board of Supervisors forward a resolution approving each request for "Watch for Children" signage, so that VDOT may accommodate these requests; and

WHEREAS, at its meeting on June 26, 2002, the Fauquier County Transportation Committee approved a motion recommending approval of the requested "Watch for Children" signs; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15th day of July 2002, That the Board of Supervisors does hereby authorize the County's request for installation and maintenance by VDOT of "Watch for Children" signs on Mill Run Drive.

A Resolution Authorizing the County Administrator to Schedule a Public Hearing to Consider a Lease with the Fauquier Free Clinic for Office Space at the Fauquier County Office Complex at 320 Hospital Drive

RESOLUTION

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO SCHEDULE
A PUBLIC HEARING TO CONSIDER A LEASE WITH THE FAUQUIER FREE CLINIC
FOR OFFICE SPACE AT THE FAUQUIER COUNTY OFFICE COMPLEX AT
320 HOSPITAL DRIVE

WHEREAS, the Fauquier Free Clinic provides valuable medical services to the community; and

WHEREAS, the Fauquier Free Clinic is dependent upon volunteers and community contributions for the provision of services; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15th of July 2002, That the County Administrator be, and is hereby, authorized to schedule a public hearing for

August 19, 2002, to consider a lease with the Fauquier Free Clinic for office space at the Fauquier County Office Complex at 320 Hospital Drive.

A Resolution Authorizing a Public Hearing to Amend the FY 2002 Adopted Budget in the Amount of \$1,137,440 and the FY 2003 Adopted Budget in the Amount of \$2,328,039

RESOLUTION

A RESOLUTION AUTHORIZING A PUBLIC HEARING TO AMEND THE
FY 2002 ADOPTED BUDGET IN THE AMOUNT OF \$1,137,440 AND THE FY 2003
ADOPTED BUDGET IN THE AMOUNT OF \$2,328,039

WHEREAS, the Board of Supervisors is charged by the Code of Virginia with the preparation of an annual budget for Fauquier County; and

WHEREAS, the Fauquier County Board of Supervisors adopted the Fauquier County FY 2002 Budget on March 19, 2001, and the FY 2003 Budget on March 25, 2002; and

WHEREAS, during the course of the fiscal year certain events occur which necessitate changing the budget plan by increasing or decreasing the total budget; and

WHEREAS, the Finance Committee has recommended FY 2002 appropriation of \$656,789 and transfer of \$480,651 and FY 2003 appropriation of \$2,323,775 and transfer of \$4,264 for the purposes set forth below; and

WHEREAS, the Code of Virginia requires local jurisdictions to hold a public hearing for any amendment to the adopted budget exceeding the lesser of \$500,000 or 1% of the total budget; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15th day of July 2002, That the County Administrator be, and is hereby, directed to advertise a public hearing to consider amending the Fauquier County FY 2002 Budget in the amount of \$1,137,440 and the FY 2003 Budget in the amount of \$2,328,039.

FY 2002

<u>Amount</u>	<u>Source of Funds</u>	<u>Issue</u>
\$1,237	Federal	Share of Forfeiture Proceeds – Drug Enforcement Agency (DEA)
\$2,764	Federal	DEA Overtime Reimbursement
\$511,116	Bond Proceeds	Emergency Radio System
\$4,588	Federal	New Baltimore Branch Library CIP
\$5,132	State	Wireless – Telephone Expenses
\$30,000	Contingency Reserve	Financial Impact Model
\$101,162	Contingency Reserve	E-Gov Phase 3
\$790	Contingency Reserve	Fauquier Housing Corp. Reimbursement
\$54,000	School Funds	Classroom Furniture for new modular classrooms
\$154,818	School Construction Funds	Lease & Set Up Modular Classrooms at LHS and FHS (5 each school)
\$206,833	School Construction Funds	Repair/Upgrade Canopies at 5 Elementary Schools
\$65,000	Information Resources Budget	Technology Fiber Connections

FY 2003

<u>Amount</u>	<u>Source of Funds</u>	<u>Issue</u>
\$243,937	State Funds	Digital Imaging – Clerk of Circuit Court
\$18,375	State Funds	Victims of Crime Act Grant – Social Services
\$31,330	User Fees	Lake Brittle Operation – P&R
\$3,933	Carryover – Fund Balance	Lake Brittle Operation – P&R
\$11,200	Carryover – Fund Balance	Software Training and Installation Services – Comprehensive Services Act (CSA)
\$15,000	Contingency Reserve	Board of Equalization
\$2,000,000	Real Estate Revenue	Renovation of 320 Hospital Hill, Warren Green and County Courthouse
\$4,264	Joint Communications Fund	Generator Upgrade
<hr/> \$3,465,479		TOTAL

A Resolution Authorizing the County Administrator to Schedule a Public Hearing to Consider a Revision of Fees at the Landfill for Accepting Special Items

RESOLUTION

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO SCHEDULE A PUBLIC HEARING TO CONSIDER A REVISION OF FEES AT THE LANDFILL FOR ACCEPTING SPECIAL ITEMS

WHEREAS, the landfill accepts special waste such as tires, freon and tree stumps; and

WHEREAS, the fees should be reviewed to reflect actual costs of disposal and processing; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15th day of July 2002, That the County Administrator be, and is hereby, authorized to schedule a public hearing for August 19, 2002 to consider amending fees charged at the Landfill for accepting special waste.

A Resolution Authorizing the County Administrator to Schedule a Public Hearing to Receive Citizen Comments on a Proposed Ordinance Amending Section 8-37 of the Code of Fauquier County Relating to Fees in Criminal and Traffic Cases

RESOLUTION

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO SCHEDULE A PUBLIC HEARING TO RECEIVE CITIZEN COMMENTS ON A PROPOSED ORDINANCE AMENDING SECTION 8-37 OF THE CODE OF FAUQUIER COUNTY RELATING TO FEES IN CRIMINAL AND TRAFFIC CASES

WHEREAS, Section 8-37 of the Code of Fauquier County imposes a fee on all criminal and traffic cases to provide for courthouse maintenance and security; and

WHEREAS, Section 15.2-1613.1 of the Code of Virginia authorizes the assessment of fees relating to the operation of the Sheriff's office; and

WHEREAS, effective July 1, 2002, Section 15.2-1613.1 was enacted by the General Assembly to permit the County of Fauquier to assess a sum not in excess of \$25.00 as part of costs in each criminal or traffic case where any individual is admitted to a County, City, or Regional jail following a conviction; and

WHEREAS, the Board of Supervisors wishes to receive citizen comments on a proposed Ordinance amending Section 8-37 of the Code of Fauquier County relating to fees assessed in criminal and traffic cases; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15th day of July 2002, That the County Administrator be, and is hereby, authorized to schedule a public hearing on a proposed Ordinance amending Section 8-37 of the Code of Fauquier County relating to fees assessed in criminal and traffic cases.

A Resolution Authorizing the Assistant County Administrator to Execute an Owner's Affidavit and Landlord's Consent & Borrower's Assignment of Lease Related to the Construction of a T-Hangar on the Warrenton-Fauquier Airport Property

RESOLUTION

A RESOLUTION AUTHORIZING THE ASSISTANT COUNTY ADMINISTRATOR TO
EXECUTE AN OWNER'S AFFIDAVIT AND LANDLORD'S CONSENT & BORROWER'S
ASSIGNMENT OF LEASE RELATED TO THE CONSTRUCTION
OF A T-HANGAR ON THE WARRENTON-FAUQUIER AIRPORT PROPERTY

WHEREAS, the Board of Supervisors, by previous resolution, has leased a portion of the Warrenton-Fauquier Airport to Midland Development Corporation for the construction of a T-hangar; and

WHEREAS, Midland Development Corporation has requested that the County of Fauquier execute a Landlord's Consent and Borrower's Assignment of the aforesaid T-hangar lease and an Owner's Affidavit for the purpose of Midland Development Corporation securing a loan from Branch Banking & Trust Co. of Virginia (BB&T); now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15th day of July 2002, That the Assistant County Administrator be, and is hereby, authorized to execute, on behalf of the County of Fauquier, a Landlord's Consent & Borrower's Assignment of the Lease and an Owner's Affidavit.

A Resolution for Subdivision Street Acceptance for Snow Hill Subdivision/Hampton Court, Scott Magisterial District

RESOLUTION

A RESOLUTION FOR SUBDIVISION STREET ACCEPTANCE FOR SNOW HILL
SUBDIVISION/HAMPTON COURT, SCOTT MAGISTERIAL DISTRICT

WHEREAS, Hampton Court, shown on the site location map entitled “Snow Hill Subdivision/Hampton Court”, dated July 3, 2002, and described on the Additions Form SR-5(A), is shown on plats recorded in the Clerk’s Office of the Circuit Court of Fauquier County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board that the street meets the requirements established by the *Subdivision Street Requirements* of the Virginia Department of Transportation; and

WHEREAS, the above street serves a genuine public need; and

WHEREAS, Fauquier County and the Virginia Department of Transportation have entered into an agreement dated February 7, 1995, for comprehensive stormwater detention, which applies to this request for addition; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15th day of July 2002, That the Virginia Department of Transportation be, and is hereby, requested to take the necessary action to add the above described street in the State Highway Secondary System for maintenance, as provided in Section 33.1-229, Code of Virginia, 1950, as amended, and the Virginia Department of Transportation’s *Subdivision Street Requirements*; and, be it

RESOLVED FURTHER, That the Board of Supervisors does guarantee the Commonwealth of Virginia a minimum unrestricted right-of-way of fifty feet in the Snow Hill Subdivision, with necessary easements for cuts, fills, and drainage; as recorded in Deed Book 633, Page 1217, dated February 16, 1990, and Deed Book 881, Page 1538, dated November 15, 2000; and, be it

RESOLVED FINALLY, That a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

A RESOLUTION TO APPROVE THE REQUEST OF DOMINION VIRGINIA POWER TO BE RELIEVED OF THE OBLIGATION SET FORTH IN CONDITION NUMBER 3 OF THE FINAL ORDER OF THE BOARD DATED NOVEMBER 5, 2001 WITH RESPECT TO COOL LAWN FARMS AND THE RITCHIE PROPERTY

Ms. McCamy moved to adopt the following resolution. Mr. Weeks seconded, and the vote for the motion was 4 to 1, as follows:

<i>Ayes:</i>	<i>Ms. Sharon McCamy; Mr. Joe Winkelmann; Mr. Harry Atherton; Mr. Larry L. Weeks</i>
<i>Nays:</i>	<i>Mr. Raymond Graham</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

RESOLUTION

A RESOLUTION TO APPROVE THE REQUEST OF DOMINION VIRGINIA POWER TO BE RELIEVED OF THE OBLIGATION SET FORTH IN CONDITION NUMBER 3 OF THE FINAL ORDER OF THE BOARD DATED NOVEMBER 5, 2001, WITH RESPECT TO COOL LAWN FARM

WHEREAS, on November 5, 2001, the Board of Supervisors adopted a resolution requiring the construction of certain portions of a power line, adjacent to an existing power line, using less impactful methods, in the event that other jurisdictions imposed a condition that such less impactful methods be used; and

WHEREAS, the Final Order permitted Dominion Virginia Power to request that it be relieved from the condition (hereinafter condition number 3), upon a showing that the less impactful method imposed in the other jurisdiction will not result in the lessening of the impact in this jurisdiction, or would be uneconomical or impractical, in the sole discretion of the Board of Supervisors; and

WHEREAS, on March 13, 2002, Dominion Virginia Power made such a request with respect to property described as "Cool Lawn Farm"; and

WHEREAS, the Board of Supervisors determined that the conditions of the Final Order have been satisfied by Dominion Virginia Power; now, therefore be it

RESOLVED by the Fauquier County Board of Supervisors this 15th day of July 2002, That Dominion Virginia Power be, and is hereby, relieved from condition number 3 of the Final Order adopted on November 5, 2001.

A RESOLUTION TO APPROVE SPECIAL EXCEPTION AMENDMENT #SEA02-S-01, BARBARA AND FREDERICK EICKHOFF AND PATRICIA AND LEON EGGERS, OWNERS, AND RICHARD SANDERS (LAKE WHIPPOORWILL LLC), APPLICANT

A public hearing was held on June 17, 2002, to consider a request for special exception approval for the Lake Whippoorwill major residential subdivision of 71 lots on approximately 117 acres, located in Scott Magisterial District. The owners and applicant are seeking a special exception amendment to remove an approved condition requiring the construction of an interparcel connection from the Lake Whippoorwill subdivision to the adjoining Jamison property. Mr. Weeks moved to adopt the following resolution. Ms. McCamy seconded, and the vote for the motion was unanimous, as follows:

Ayes:	<i>Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Joe Winkelmann; Mr. Harry Atherton; Mr. Larry L. Weeks</i>
Nays:	<i>None</i>
Absent During Vote:	<i>None</i>
Abstention:	<i>None</i>
Abstention:	<i>None</i>

RESOLUTION

A RESOLUTION TO APPROVE SPECIAL EXCEPTION AMENDMENT
#SEA02-S-01, BARBARA AND FREDERICK EICKHOFF, AND PATRICIA AND LEON
EGGERS, OWNERS, AND RICHARD SANDERS
(LAKE WHIPPOORWILL LLC), APPLICANT

WHEREAS, Barbara and Frederick Eickhoff and Patricia and Leon Eggers, owners, and Richard Sanders (Lake Whippoorwill LLC), applicant, are seeking a special exception amendment to remove an approved 1997 condition of approval requiring the construction of an interparcel connection from the Lake Whippoorwill subdivision to the adjoining Jamison property; and

WHEREAS, the Planning Commission held a public hearing on this application on November 29, 2001, and has forwarded the application to the Board of Supervisors; and

WHEREAS, on June 17, 2002, the Board of Supervisors considered the written and orally presented information of the applicants and conducted a public hearing for this application; and

WHEREAS, the Board of Supervisors has determined that the applications are in substantial conformance with the Comprehensive Plan and the applicable provisions of the Zoning Ordinance; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15th day of July 2002, That the application of Barbara and Frederick Eickhoff and Patricia and Leon Eggers, owners and Richard Sanders (Lake Whippoorwill LLC), applicant, be, and is hereby, approved, subject to the following revision to Special Exception Condition Number 4:

Condition #4:

- a. The previously dedicated 50-foot right-of-way from the terminus of Red Oak Court to the Jamison property line shall be retained. Within this right-of-way, the applicant shall construct a controlled emergency access with a minimum "grasscrete, geoweb, or similar product" pavement width of 14 feet, in substantial accordance with Option 2, as shown on the attached plat, with final engineering specifications as determined by the County Engineer. The applicant shall also install a gate or other control feature acceptable to the Office of Emergency Services that may be accessed by authorized personnel as needed. The gate shall be located as close to the property line between the Lake Whippoorwill properties and the adjoining Jamison property as is feasible. The applicant shall provide confirmation that the existing bond is adequate to construct the improvement and amend the current developer's agreement to incorporate the improvement, and post additional bonding if required within 30 days of the Board of Supervisors approval date of the final design by the County. Such construction shall be completed within one year of the approval date of this special exception amendment.
- b. Embankment side slopes shall not exceed two (2') feet horizontal to one (1') foot vertical. Embankment fill shall be placed and compacted as controlled road fill.

- c. In installing the emergency access road, the applicant shall work with the adjacent landowners to preserve as many tulip trees and other naturally occurring features as may be reasonably preserved.
- d. Install a 14-foot wide grass pavement application (i.e., grasscrete, geoweb, or similar product) as the travel way for the access road.
- e. The Lake Whippoorwill Homeowner's Association will be required to maintain this as an access way. This includes snow removal, gate maintenance, grass cutting, grass reinstallation as necessary, slope maintenance, tree and brush removal.

All other conditions of approval for SE 97-S-05, dated June 3, 1997, shall remain in full force and effect; and, be it

RESOLVED FURTHER, That the Board of Supervisors states its intent that the emergency access road not be considered for upgrade until such time as the access road to Route 29 for the Jamison subdivision is closed by the Virginia Department of Transportation.

A RESOLUTION TO AUTHORIZE A PUBLIC HEARING TO AMEND THE FY 2003 BUDGET IN THE AMOUNT OF \$1,139,000 FOR RENOVATION OF THE FAUQUIER COUNTY DETENTION CENTER

Mr. Graham moved to adopt the following resolution. Mr. Winkelmann seconded, and the vote for the motion was unanimous, as follows:

<i>Ayes:</i>	<i>Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Joe Winkelmann; Mr. Harry Atherton; Mr. Larry L. Weeks</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

RESOLUTION

A RESOLUTION AUTHORIZING A PUBLIC HEARING TO AMEND THE FY 2003 BUDGET IN THE AMOUNT OF \$1,139,000 FOR RENOVATION OF THE FAUQUIER COUNTY DETENTION CENTER

WHEREAS, the Board of Supervisors is charged by the Code of Virginia with the preparation of an annual budget for Fauquier County; and

WHEREAS, on March 25, 2002, the Fauquier County Board of Supervisors adopted the Fauquier County FY 2003 Budget; and

WHEREAS, during the course of a fiscal year certain events occur which necessitate changing the budget plan by increasing or decreasing the total budget; and

WHEREAS, the Sheriff's Office has identified the Fauquier County Detention Center administrative areas as seriously in need of repair and has requested \$1,139,000 in increased appropriations for renovation; and

WHEREAS, the Code of Virginia requires local jurisdictions to hold a public hearing for any amendments to the adopted budget exceeding the lesser of \$500,000 or 1% of the total budget; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15th day of July 2002, That the County Administrator be, and is hereby, directed to advertise a public hearing to consider amending the Fauquier County FY 2003 Budget in the amount of \$1,139,000 for renovation of the Fauquier County Detention Center.

A RESOLUTION TO INCREASE THE FY 2003 CONTRIBUTION TO THE AFRO-AMERICAN HISTORICAL ASSOCIATION (AAHA) OF FAUQUIER COUNTY

Mr. Winkelmann moved to adopt the following resolution. Mr. Graham seconded, and the vote for the motion was unanimous, as follows:

<i>Ayes:</i>	<i>Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Joe Winkelmann; Mr. Harry Atherton; Mr. Larry L. Weeks</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

RESOLUTION

A RESOLUTION TO INCREASE THE FY 2003 CONTRIBUTION TO THE AFRO-AMERICAN HISTORICAL ASSOCIATION (AAHA) OF FAUQUIER COUNTY

WHEREAS, the Board of Supervisors is charged by the Code of Virginia with the preparation of an annual budget for Fauquier County; and

WHEREAS, on March 25, 2002, the Fauquier County Board of Supervisors adopted the Fauquier County FY 2003 Budget; and

WHEREAS, the Fauquier County FY 2003 Budget includes a contribution of \$1,000 to the Afro-American Historical Association (AAHA); and

WHEREAS, the AAHA has requested an additional \$10,000 contribution to support its relocation to a larger facility; and

WHEREAS, on June 26, 2002, the Finance Committee forwarded to the Board of Supervisors for consideration, with a recommendation to fund \$5,000; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15th day of July 2002, That \$5,000 be approved from the General County Government Contingency Reserve as additional funding to support the relocation of the Afro-American Historical Association in FY 2003, as follows:

<u>Source</u>	<u>FROM Code</u>	<u>Amount</u>	<u>Department</u>	<u>TO Code</u>	<u>Amount</u>
Contingency Reserve	4-100-091400-9618	\$5,000	Contributions (AAHA)	4-100-081600- 5692	\$5,000
TOTAL		\$5,000			\$5,000

A RESOLUTION TO RECEIVE THE FY 2003 RAPPAHANNOCK-RAPIDAN COMMUNITY SERVICES BOARD PERFORMANCE CONTRACT WITH THE DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES AND THE AREA PLAN FOR AGING SERVICES

Mr. Graham moved to adopt the following resolution. Mr. Winkelmann seconded, and the vote for the motion was unanimous, as follows:

Ayes: *Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Joe Winkelmann; Mr. Harry Atherton; Mr. Larry L. Weeks*

Nays: *None*

Absent During Vote: *None*

Abstention: *None*

Abstention: *None*

RESOLUTION

A RESOLUTION TO RECEIVE THE RAPPAHANNOCK-RAPIDAN COMMUNITY SERVICES BOARD FY 2003 PERFORMANCE CONTRACT WITH THE DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES AND THE AREA PLAN FOR AGING SERVICES

WHEREAS, on June 11, 2002, the Rappahannock-Rapidan Community Services Board adopted the 2003 Performance Contract with the Department of Mental Health, Mental Retardation and Substance Abuse Services and the Area Plan for Aging; and

WHEREAS, Fauquier County has received a request from the Community Services Board that the Board of Supervisors endorse the Contract and Plan by either approving both documents or acknowledging that the Board of Supervisors participated in the review process and has no further additional comments; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15th day of July 2002, That the Fauquier County Board of Supervisors does hereby receive the FY 2003 Rappahannock-Rapidan Community Services Board Performance Contract with the Department of Mental Health, Mental Retardation and Substance Abuse Services and the FY 2003 Area Plan

for Aging Services and acknowledges that Fauquier County participated in the review process and has no additional comments regarding the Contract or Plan.

A RESOLUTION TO AWARD A CONTRACT FOR PROFESSIONAL ENGINEERING DESIGN SERVICES FOR THE NORTHERN SPORTS FIELD COMPLEX PROJECT

Mr. Atherton moved to adopt the following resolution. Mr. Weeks seconded, and the vote for the motion was unanimous, as follows:

Ayes: Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Joe Winkelmann; Mr. Harry Atherton; Mr. Larry L. Weeks
Nays: None
Absent During Vote: None
Abstention: None
Abstention: None

RESOLUTION

A RESOLUTION TO AWARD A CONTRACT FOR PROFESSIONAL ENGINEERING DESIGN SERVICES FOR THE NORTHERN SPORTS FIELD COMPLEX

WHEREAS, Fauquier County published a Request for Proposal (RFP) for professional engineering design services for the Northern Sports Field Complex Project; and

WHEREAS, five engineering firms submitted proposals and the top two firms were interviewed; and

WHEREAS, based on these interviews, the top-ranked company has been identified as Patton Harris Rust and Associates; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15 day of July 2002, That the award for professional engineering design services for the Northern Sports Field Complex project is made to Patton Harris Rust and Associates; and, be it

RESOLVED FURTHER, That said award is made contingent upon review and acceptance of the Engineering Design Services Contract by the County Attorney; and, be it

RESOLVED FINALLY, That the Chairman is authorized to sign the contract on behalf of the Fauquier County Board of Supervisors.

A RESOLUTION AUTHORIZING THE ASSISTANT COUNTY ADMINISTRATOR TO EXECUTE, ON BEHALF OF FAUQUIER COUNTY AN ASSIGNMENT OF A LEASE FROM E.W. MESSICK, JR., ET AL, TO THE ALBERT BENDER FAMILY

Mr. Graham moved to adopt the following resolution. Mr. Winkelmann seconded, and the vote for the motion was unanimous, as follows:

Ayes: Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Joe Winkelmann; Mr. Harry Atherton; Mr. Larry L. Weeks

Nays: None

Absent During Vote: None

Abstention: None

Abstention: None

RESOLUTION

A RESOLUTION AUTHORIZING THE ASSISTANT COUNTY ADMINISTRATOR TO EXECUTE, ON BEHALF OF FAUQUIER COUNTY, AN ASSIGNMENT OF A LEASE FROM E.W. MESSICK, JR., ET AL, TO THE ALBERT BENDER FAMILY

WHEREAS, as part of the litigation to acquire approximately 22.4341 acres, more specifically identified as PIN #7819-03-2264 and PIN #7819-03-8285, for purposes of the Airport Expansion Project, the County agreed to lease the property back to the former owners for a period of ten years for the purpose of allowing farming of the property; and

WHEREAS, the aforesaid lease requires the landlord's prior written consent to the Assignment of Lease; and

WHEREAS, E. W. Messick, Jr., et al, have notified the County that they seek to assign the lease, in its entirety, to the Albert Bender family; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15th day of July 2002, That the assignment of the lease of 22.4341 acres, being part of PIN #7819-03-2264 and PIN #7819-03-8285, be, and is hereby, approved; and, be it

RESOLVED FURTHER, That the Assistant County Administrator be, and is hereby, authorized to execute, on behalf of Fauquier County, the assignment of lease of the proposed property.

A RESOLUTION TO AUTHORIZE THE CHAIRMAN OF THE BOARD OF SUPERVISORS TO EXECUTE A SETTLEMENT AGREEMENT

Mr. Atherton moved to adopt the following resolution. Ms. McCamy seconded, and the vote for the motion was unanimous, as follows:

Ayes: Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Joe Winkelmann; Mr. Harry Atherton; Mr. Larry L. Weeks

Nays: None

Absent During Vote: None

Abstention: None

Abstention: None

RESOLUTION

A RESOLUTION TO AUTHORIZE THE CHAIRMAN OF THE BOARD OF SUPERVISORS TO EXECUTE A SETTLEMENT AGREEMENT

WHEREAS, the Board of Supervisors is the defendant in a lawsuit filed with the United States District Court for the Eastern District of Virginia challenging the denial of a special exception application filed by SBA, Inc. seeking approval for a telecommunications tower on property owned by Julie A. Martin; and

WHEREAS, the Board of Supervisors has considered this matter in closed session and determined that the proposed settlement agreement is appropriate; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15th day of July 2002, That the Board of Supervisors does hereby authorize the Chairman to execute the settlement agreement.

APPOINTMENTS

By unanimous consent, the following appointments were approved:

- Library Board, Marshall District Representative - Dr. Marshall Bailey, with a term to expire June 30, 2006.
- Fauquier-Rappahannock Community Criminal Justice Board - Chief Magistrate Lawrence D. Black.
- Agricultural Advisory Committee, Cedar Run Representative - Georgia Fischel, with a term to expire December 31, 2003.

SUPERVISORS' TIME

- Mr. Winkelmann stated he had received a request from a constituent for a sound barrier on the eastern bypass, and directed the County Attorney to advise the Board of Ordinances governing noise limits. Mr. Winkelmann stated that, at its meeting in May 2002, the Board of Directors for the Virginia Association of Counties discussed a proposed tax increase and legislative reform for education funding.
- Mr. Graham stated the Board of Supervisors had sent a letter to the Governor asking that additional Virginia State Police personnel be assigned to Fauquier County to assist with commercial truck inspections and traffic calming.

ANNOUNCEMENTS

Mr. Lee had no announcements.

**AN ORDINANCE AMENDING SECTION 3-2(A)2 OF THE SUBDIVISION
ORDINANCE RELATING TO ADMINISTRATIVE SUBDIVISION REQUIREMENTS**

A public hearing was held to consider text amendments to the Fauquier County Zoning Ordinance Section 3-2(A)2, regarding Administrative Subdivisions, in order to reduce the number of administrative cuts from three to one, along with the remaining residue lot. Mr. Rick Carr, Director of Community Development, provided an overview of the proposed Zoning Ordinance text amendment. Mr. T.R. Hume, Marshall District; Mr. Walter Hitchcock; Mr. Dean Wood, Cedar Run District; Ms. Carolyn Irvin, Lee District; Mr. Chester Stribling, Lee District; Mr. Louie Walker, Cedar Run District; Mr. Larry Irvin, Lee District; Mr. Bob Wilson; and Mr. Merle Fallon, all spoke in opposition to the proposed change in the Administrative Subdivision Ordinance and processes. Mr. Mike Gerhard, Marshall District; Dr. Kitty Smith, Marshall District; Ms. Kay Hayes, Marshall District; Mr. Keith Severin, Scott District; Mr. Owen Bludeau; Ms. Hope Porter; Ms. Mara Seaforest, Cedar Run District; Ms. Susan Scheer, Cedar Run District; Mr. David Dejea, Marshall District; Mr. Dick Veats; Ms. Janet Whitehouse, Scott District, who also presented a letter of support from Kelley Lott, Marshall District; all spoke in favor of the proposed Administrative Subdivision Ordinance text amendment. No one else spoke. The public hearing was closed. Mr. Atherton moved to adopt the following Ordinance. Mr. Weeks seconded, and the vote for the motion was 4 to 1 as follows:

<i>Ayes:</i>	<i>Mr. Raymond Graham; Mr. Joe Winkelmann; Mr. Harry Atherton; Mr. Larry L. Weeks</i>
<i>Nays:</i>	<i>Ms. Sharon McCamy</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

ORDINANCE

**AN ORDINANCE AMENDING SECTION 3-2(A)2 OF THE SUBDIVISION ORDINANCE
RELATING TO ADMINISTRATIVE SUBDIVISION REQUIREMENTS**

WHEREAS, in May of 2002, the Board of Supervisors transmitted proposed changes to the administrative subdivision requirements contained in the Subdivision Ordinance for Planning Commission review and recommendations; and

WHEREAS, on June 25, 2002, the proposed amendment was subject to Planning Commission public hearing; and

WHEREAS, on July 15, 2002, the Board of Supervisors conducted a public hearing on the proposed amendment; and

WHEREAS, the Board of Supervisors considers and believes the amendment is in the best interest of the citizens of Fauquier County in terms of more effective management of environmental resources, as well as stormwater management, and public/private street design; and

WHEREAS, the adopted Comprehensive Plan's Chapter 8 of the Rural Areas Land Use Plan has specific objectives for refining the Subdivision Ordinance in a manner that protects water resources and forested areas, significant archeological/historic sites and areas, areas of natural scenic vistas, and limiting impacts on the rural road network; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 15th day of July 2002, That Section 3-2(A)2 of the Fauquier County Subdivision Ordinance be, and is, hereby, amended for all applications filed after this date, as follows:

3-2 *Administrative Subdivisions.*

- A) The agent may approve subdivisions of up to three (3) lots, including the residue, except in RA, RC, RR-2, GA, MDP, PRD, R-1, R-2, R-3, R-4, TH, and V Zoning Districts which are limited to two (2) lots, including the residue, provided that for any of the resulting divisions:
- 1) No bonding is required.
 - 2) The ~~three~~ lots are cumulative for each parcel of record as of May 9, 1968.
 - 3) All necessary requirements of this Ordinance and other County Ordinances are met.
 - 4) The lot drainfield certification plat is approved by the Fauquier County Health Department, or other entity providing public sewer and water services.
 - 5) The highway entrance is approved by the Virginia Department of Transportation.
 - 6) The right-of-way for Type III private streets providing access and frontage to administrative subdivision lots shall not exceed 1,000 feet in length, exclusive of the turnaround. The Agent may modify this limitation to allow a right-of-way length of up to 5,000 feet upon the submission of a formal modification application containing sufficient justification to allow the Agent to find that the proposed modification is warranted based upon a determination by the Agent that: 1) that properties through which the right-of-way will pass will not be unreasonably affected; 2) that no alternative for providing access is realistically feasible, and 3) that without the modification the 1,000 foot limitation places an unreasonable restriction on the use of the property. (Amended by the Board of Supervisors on September 19, 1996.)
 - 7) When the residue can no longer be divided under this provision or otherwise, a note to that effect shall be contained on the plat.

; and, be it

ORDAINED FURTHER, That such administrative subdivision applications, which have been filed on or before the date of the adoption of this ordinance, shall be deemed grandfathered and shall be subject to the terms and conditions of the replaced ordinance. For purposes of this ordinance only, the term "filed" shall mean (1) *the submission of a letter to the Department of Community Development that the landowner has initiated the Administrative Subdivision process, or* (2) *the application with a plat of subdivision, prepared and certified by an engineer/surveyor, along with all necessary fees has been submitted to the Department of Community Development, or* (3) *the application and fee for drainfield location approval to the County Department of Health for the proposed Administrative Subdivision.* The term "filed" shall not be construed to mean that the application has been accepted by the Department of Community Development, nor the action approval timeline initiated, or that approval from reviewing agencies, including but not limited to the Virginia Department of Transportation and the Virginia Department of Health, have been obtained.

AN ORDINANCE APPROVING AN AMENDMENT TO SECTION 3-306.7 OF THE FAUQUIER COUNTY ZONING ORDINANCE DELETING CONTINUING CARE FACILITIES AS SPECIAL EXCEPTION USES IN THE RURAL AGRICULTURE (RA) AND RURAL RESIDENTIAL-2 (RR-2) ZONING DISTRICT

A public hearing was held to consider a text amendment to Fauquier County Zoning Ordinance Section 3-306.7 to delete Continuing Care Facilities from the Rural Agriculture (RA) and Rural Residential-2 (RR-2) districts. Mr. Rick Carr, Director of Community Development, provided an overview of the proposed Zoning Ordinance text amendment. Mr. David DeGwe, Marshall District; Ms. Mara Seaforest, Cedar Run District; Dr. Kitty Smith, Marshall District; Mr. Walter Hitchcock; and Mr. Mike Gerhardt, Marshall District; all spoke in favor of the proposed text amendment. No one else spoke. The public hearing was closed. Mr. Atherton moved to adopt the following Ordinance. Mr. Weeks seconded, and the vote for the motion was unanimous, as follows:

Ayes: Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Joe Winkelmann; Mr. Harry Atherton; Mr. Larry L. Weeks

Nays: None

Absent During Vote: None

Abstention: None

Abstention: None

ORDINANCE

AN ORDINANCE APPROVING AN AMENDMENT TO SECTION 3-306.7 OF THE FAUQUIER COUNTY ZONING ORDINANCE DELETING CONTINUING CARE FACILITIES AS SPECIAL EXCEPTION USES IN THE RURAL AGRICULTURE (RA) AND RURAL RESIDENTIAL-2 (RR-2) ZONING DISTRICT

WHEREAS, the Fauquier County Zoning Ordinance currently allows continuing care facilities to be located in Rural Agriculture, Rural Residential-2, Residential-1 and Village Zoning Districts following special exception and site plan approvals; and

WHEREAS, concerns have arisen concerning the impact of such facilities upon rural zoning districts in regard to traffic, septic needs and other issues; and

WHEREAS, on May 24, 2002, the Planning Commission voted to initiate this amendment; and

WHEREAS, on June 27, 2002, the Planning Commission held a public hearing and voted to forward this amendment to the Board of Supervisors with a recommendation for approval; and

WHEREAS, continuing care facilities could be located in the Residential-1 and Village Zoning Districts following public hearing and after receiving special exception and site plan approvals; and

WHEREAS, the Board of Supervisors has determined the proposed amendment will be in the spirit of the Zoning Ordinance and the rural zoning districts; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 15th day of July 2002, That Section 3-306.7 of the Fauquier County Zoning Ordinance be amended to delete continuing care facilities as special exception uses in the Rural Agriculture (RA) and Rural Residential-2 (RR-2) Zoning Districts. The section shall be amended as follows:

3-306 (INSTITUTIONAL USES)

	Site plan	RA	RR-2	V	R-1
7. Continuing Care Facility	X	SE	SE	SE	SE

AN ORDINANCE APPROVING THE AMENDMENT TO SECTION 6-102 OF THE FAUQUIER COUNTY ZONING ORDINANCE TO ADD NUMBER 29 TO ALLOW LIMITED FUNDRAISING AS A PERMITTED ACCESSORY USE TO RESIDENTIAL USES IN RURAL AGRICULTURE AND RURAL CONSERVATION ZONING DISTRICTS

A public hearing was held to consider text amendments to the Fauquier County Zoning Ordinance, Section 6-102, regarding Permitted Accessory Uses, by adding Number 29, to allow limited fundraising activities on properties located in the Rural Agriculture (RA) and Rural Conservation (RC) zoning districts. Mr. Rick Carr, Director of Community Development, provided an overview of the proposed Zoning Ordinance text amendment. Mr. David DeGwe, Marshall District, spoke in favor of the text amendment. No one else spoke. The public hearing was closed. Mr. Winkelmann moved to adopt the following Ordinance. Mr. Atherton seconded, and the vote for the motion was unanimous, as follows:

Ayes: *Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Joe Winkelmann; Mr. Harry Atherton; Mr. Larry L. Weeks*

Nays: *None*

Absent During Vote: *None*

Abstention: *None*

Abstention: *None*

ORDINANCE

AN ORDINANCE APPROVING THE AMENDMENT TO SECTION 6-102 OF THE FAUQUIER COUNTY ZONING ORDINANCE TO ADD NUMBER 29 TO ALLOW LIMITED FUNDRAISING AS A PERMITTED ACCESSORY USE TO RESIDENTIAL USES IN RURAL AGRICULTURE AND RURAL CONSERVATION ZONING DISTRICTS

WHEREAS, the Fauquier County Zoning Ordinance currently permits residential uses in the Rural Agriculture and Rural Conservation Zoning Districts; and

WHEREAS, residents of properties located in the Rural Agriculture and Rural Conservation Zoning Districts have requested the ability to hold limited fundraising activities at their residences; and

WHEREAS, this amendment would make limited fundraising, as defined in the standards, a permitted accessory use to residential uses in Rural Agriculture and Rural Conservation Zoning Districts; and

WHEREAS, a no-fee administrative permit would be required from the Zoning Administrator to ensure compliance with Health Department and similar regulations; and

WHEREAS, on June 27, 2002, the Fauquier County Planning Commission held a public hearing and voted to forward the amendment with a recommendation for approval; and

WHEREAS, on July 15, 2002, the Fauquier County Board of Supervisors held a public hearing; and

WHEREAS, the Fauquier County Board of Supervisors has determined that adoption of this amendment would be in keeping with the intent of the Zoning Ordinance and would be in the public's best interest; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 15th day of July 2002, That Section 6-102 be amended by adding number 29 to permit limited fundraising as an accessory use, as defined in the standards, as a permitted accessory use to residential uses in Rural Agriculture and Rural Conservation Zoning Districts. The section will be amended to read as follows:

29. Fundraising by local non-profit and governmental entities shall be permitted as an accessory use to residential uses in the Rural Agriculture and Rural Conservation zoning districts, if the accompanying standards are met. An administrative permit is required.

Fundraising under this subsection shall be subject to the following performance standards.

- a. In no event shall fireworks, hot air balloons or helicopters be used for any event(s).
- b. In no case shall attendance exceed 1,000, based upon the capacity of the facility.
- c. The maximum number of events shall not exceed two (2) in any calendar year.
- d. All grass areas used for parking shall be mowed and maintained as to minimize the risk of vehicle and field fires.
- e. The applicant shall provide adequate security, emergency services, traffic control, sanitation and refreshment services at every event activity.
- f. The applicant shall require its employees/volunteers and all invitees to strictly comply with State burning laws and copies of such laws shall be posted on site.
- g. The applicant shall conform at all times to County Health Department regulations.
- h. All uses under this category shall be conducted so as to meet all noise performance standards enumerated in Article 9 of the Fauquier County Zoning Ordinance.
- i. During events with outdoor music or amplified sound, the maximum permitted sound pressure noise levels shall not exceed 60 decibels at the property line(s).
- j. All events shall be conducted between the hours of 8:00 a.m. and 11:00 p.m. provided that all outdoor music shall cease no later than 10:00 p.m. Event preparation and breakdown shall cease by 11:00 p.m.
- k. All lighting shall be in conformance with the Fauquier County Zoning Ordinance and positioned downward, inward and shielded to eliminate glare from all adjacent properties.
- l. Virginia Department of Transportation approval and installation of entrance shall occur prior to any event being held.

- m. The applicant shall provide a copy of the local non-profit's IRC §501.c. determination letter from the Internal Revenue Code or a letter from the governmental agency stating that the event is being held for the benefit of the governmental agency.
- n. The site shall contain a minimum of 50 acres and have a minimum of 300 feet of frontage on a road designated by the County as a major collector (or higher) in the Comprehensive Plan unless the Zoning Administrator in issuing this permit determines that the type and amount of traffic generated by the fund raising event is such that it will not cause an undue impact on the neighbors or adversely affect safety of road usage.

REVISIONS TO THE DEPARTMENT OF COMMUNITY DEVELOPMENT FEE SCHEDULE

A public hearing was held to consider proposed amendments to the Technical Review Fee Schedule associated with Floodplain Study, Infrastructure Improvements, Wetland Mitigation Banking Plans, Bond Estimate Review, Street Resolutions/Acceptance, Land Disturbing/Erosion & Sediment Control Plans, and Bond Reductions/Releases/Extensions. Mr. Rick Carr, Director of Community Development, summarized the proposed revisions to the fee schedule. No one spoke. The public hearing was closed. Mr. Winkelmann moved to table a decision until the next regular Board meeting on August 19, 2002. Mr. Weeks seconded, and the vote for the motion was unanimous, as follows:

Ayes:	<i>Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Joe Winkelmann; Mr. Harry Atherton; Mr. Larry L. Weeks</i>
Nays:	<i>None</i>
Absent During Vote:	<i>None</i>
Abstention:	<i>None</i>
Abstention:	<i>None</i>

A RESOLUTION TO APPROVE SPECIAL EXCEPTION #SE02-S-19 W.C.L. JAMISON AND THELMA H. JAMISON, TRUSTEES, OWNERS AND APPLICANTS, PIN #6995-65-2468-000 AND #6995-76-6411-000

A public hearing was held to consider a request for special exception approval for Charles and Thelma Jamison, Trustees, owners/applicants. The property is located on Route 15/29 at its intersection with Baldwin Street (Route 673), PIN's #6995-65-2468-000 and #6995-76-6411-000, Scott District. The property is zoned Residential-1 (R-1), and contains 166.667 acres. The applicants wish to obtain special exception approval under Category 23 of the Zoning Ordinance, which would allow for the construction of two (2) road crossings and other grading in a floodplain of Mill Run and an unnamed tributary to Mill Run. Mr. Rick Carr, Director of Community Development, provided an overview of the special exception application. Mr. Charles Jamison, owner/applicant, spoke in favor of the special exception request. An adjacent property owner (no name given) spoke in opposition to the special exception request. Mr. Jon Whichard, Center District, questioned the effect of the proposed construction on the floodplain, and urged the Board to be cautious in its decision. No one else spoke. The public hearing was closed. Mr. Weeks moved to adopt the following resolution. Mr. Winkelmann seconded, and the vote for the motion was unanimous, as follows:

Ayes: *Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Joe Winkelmann; Mr. Harry Atherton; Mr. Larry L. Weeks*

Nays: *None*

Absent During Vote: *None*

Abstention: *None*

Abstention: *None*

RESOLUTION

A RESOLUTION TO APPROVE SPECIAL EXCEPTION #SE02-S-19 W.C.L. JAMISON
AND THELMA H. JAMISON, TRUSTEES, OWNERS AND APPLICANTS,
PIN #6995-65-2468-000 AND #6995-76-6411-000

WHEREAS, W.C.L. Jamison and Thelma H. Jamison, Trustees, owners and applicants, are seeking special exception approval pursuant to Zoning Ordinance Category 23 Floodplain Uses, to allow construction of two (2) floodplain crossings and other grading in a floodplain of Mill Run and an unnamed tributary of Mill Run; and

WHEREAS, on April 25, 2002, and on May 30, 2002, the Planning Commission held public hearings on this application and voted to forward the application to the Board of Supervisors with a recommendation of approval; and

WHEREAS, on July 15, 2002, the Board of Supervisors considered the written and orally presented information of the applicants and conducted a public hearing for this application; and

WHEREAS, the Board of Supervisors has determined that the application is in substantial conformance with the Comprehensive Plan and the applicable provisions of the Zoning Ordinance; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15th day of July 2002, That the application of W.C.L. Jamison and Thelma H. Jamison, Trustees, owners and applicants, be, and is hereby, approved, subject to the following conditions:

1. The special exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This special exception is granted only for the purpose(s), structure(s) and/or uses indicated on special exception plat approved with the application, as qualified by these development conditions.
3. With respect to the floodplain conditions, any final subdivision plat submitted pursuant to this special exception shall be in general conformance with the special exception plat dated March 12, 2002.
4. There shall be no significant increase in flood levels or velocity of floodwaters off-site as a result of this floodplain crossing, as determined to the satisfaction of the County Engineer prior to construction plan approval for any phase of development that requires a floodplain crossing.

5. Prior to construction plan approval for any phase of the development that involves a floodplain disturbance of a temporary or permanent nature, the applicant shall obtain a Conditional Letter of Map Revision (CLOMR) from the Federal Emergency Management Agency (FEMA). The applicant shall request a final Letter of Map Revision (LOMR) within 90 days of completing construction of the floodplain crossing. Bonding will be required to cover the amount of the LOMR fee, the as-built plans and any other requirements as outlined in FEMA's CLOMR.
6. The Final Plat for each phase of the subdivision shall show the revised floodplain limits. In no instance shall more than 25% of any individual residential lot be covered with floodplain.
7. The final design of the floodplain crossings shall be as indicated in the special exception application, with final design standards, waterway openings, and specifications approved by the County Engineer. The floodplain crossings shall be designed to incorporate "countersinking technologies" acceptable to VDOT and the County at each crossing location. The countersunk culvert design shall incorporate a single box culvert that spans, at a minimum, the bed and banks of the existing stream channel. A multi-cell culvert design is permissible; however, the additional cells must be outside the limits of the natural bed and banks and set at an elevation consistent with the existing overbank regions. A minimum "countersinking" of one-foot (1') shall be provided below the existing stream invert.
8. Any land disturbed within the floodplain shall be stabilized with either temporary or permanent seed in accordance with Virginia Erosion and Sediment Control Regulations.
9. Prior to the issuance of any land disturbing permits for this project, the applicant shall submit written evidence indicating to the County Engineer that the US Army Corps of Engineers and/or Virginia Marine Resources Commission has approved any disturbance within wetland areas or other regulated waterways.

A RESOLUTION TO APPROVE SPECIAL EXCEPTION #SE02-M-20, RANDALL AND KATHLEEN BOXALL, AND MARK OLSON (for Iverson Trust), OWNERS, RANDALL AND KATHLEEN BOXALL, APPLICANTS, PIN #6012-20-7910-000

A public hearing was held to consider a request for special exception approval for Randall C. and Kathleen E. Boxall, et al, owners/applicants. The property contains 50.666 acres, and is located at the end of Tucker's Lane (Route 725), southeast of its intersection with Fiery Run Road (Route 638), PIN #6012-20-7910-000, Marshall District. The applicants wish to obtain special exception approval under Category 26 of the Zoning Ordinance, which would allow for a reduction in the open space requirement. Mr. Rick Carr, Director of Community Development, provided an overview of the special exception request. Mr. Randall Boxall, owner/applicant, Marshall District, requested favorable consideration of the special exception. No one else spoke. The public hearing was closed. Mr. Atherton moved to adopt the following resolution. Mr. Winkelmann seconded, and the vote for the motion was unanimous, as follows:

<i>Ayes:</i>	<i>Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Joe Winkelmann; Mr. Harry Atherton; Mr. Larry L. Weeks</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

RESOLUTION

A RESOLUTION TO APPROVE SPECIAL EXCEPTION #SE02-M-20
RANDALL AND KATHLEEN BOXALL, AND MARK OLSON (for Iverson Trust), OWNERS
RANDALL AND KATHLEEN BOXALL, APPLICANTS
PIN #6012-20-7910-000

WHEREAS, Randall and Kathleen Boxall and Mark Olson (for Iverson Trust), owners, and Randall and Kathleen Boxall, applicants, have filed an application to obtain approval for a reduction in the open space requirement for a parcel that is greater in size than thirty (30) acres; and

WHEREAS, on April 25, 2002, and on May 30, 2002, the Planning Commission held public hearings on this application and voted to forward the application to the Board of Supervisors with a recommendation of approval; and

WHEREAS, on July 15, 2002, the Board of Supervisors considered the written and orally presented information of the applicants and conducted a public hearing for this application; and

WHEREAS, the Board of Supervisors has determined that the application is in substantial conformance with the Comprehensive Plan and the applicable provisions of the Zoning Ordinance; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15th day of July 2002, That the application is in substantial accordance with the Fauquier County Comprehensive Plan, and is hereby approved, subject to the following conditions:

1. The special exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This special exception is granted only for the purpose(s), structure(s) and/or uses indicated on the special exception plat approved with the application, as qualified by these development conditions.
3. The 50-acre parcel shall be divided into no more than two parcels of approximately 28 acres and 22 acres in size. Both parcels shall be placed in a deed-restricted open space easement that prevents any further subdivision. Such deed language shall be presented with the subdivision plat of the property for County review and approval.
4. Any new structure, primary or accessory, including, but not limited to, residences, barns, sheds, drainfields, and wells built, or the expansion of existing structures on either parcel, as otherwise permitted in the underlying zoning district, shall be no closer than 300 feet from the common property line with the properties identified as Commonwealth of Virginia Commission of Game and Inland Fisheries PIN #6012-23-4492-000, #6012-33-5604-000, and #6012-42-9246-000, as shown on the plat dated March 13, 2002, entitled, "Subdivision Plat of the Land of Randall C. Boxall and Kathleen Boxall," received in the Planning Office on March 15, 2002. A driveway may be located to provide access to a future residence from the proposed ingress/egress easement. Setbacks from all other property lines shall be as

required by the Zoning Ordinance. This 300-foot building/structure setback shall be maintained as a state of nature easement.

5. Any new structure, primary or accessory, including but not limited to, residences, barns, sheds, drainfields, and wells built, or the expansion of existing structures on either parcel, as otherwise permitted in the underlying zoning district, shall be no closer than 500 feet from the common property line with the properties identified as United States of America, Washington, D.C., 20204, PIN #6011-39-2528-000 and #6011-39-9457-000, as shown on the plat dated March 13, 2002, entitled, "Subdivision Plat of the Land of Randall C. Boxall and Kathleen Boxall," received in the Planning Office on March 15, 2002. Setbacks from all other property lines shall be as required by the Zoning Ordinance. An expansion, not to exceed a footprint size of 700 square feet of two stories in height, may be added to the existing residence on Lot 1. The lower level of this addition may be used as a garage. This expansion shall be permitted only on the northwest side of the residence. The 500-foot building/structure setback shall be maintained as a state of nature easement.
6. Approval of this special exception includes a modification of the maximum length of a private street, pursuant to Section 3-2 (a) (6) of the Subdivision Ordinance.
7. The existing shed on Lot 1 shall be removed from the state of nature easements noted above.

A RESOLUTION TO APPROVE SPECIAL EXCEPTION #SE02-CR-24, SMITH-MIDLAND FLOODPLAIN FILL APPLICATION, PIN #7900-75-6202-00

A public hearing was held to consider a request for special exception approval for Smith-Midland Corporation, owner/applicant. The applicant wishes to obtain special exception approval under Category 23 of the Zoning Ordinance, which would allow for the construction of a new acid etching operation process water treatment system and the closure of the existing facility within a floodplain. The property contains 12.5 acres, is zoned Industrial-2 (I-2), and is located at 5127 Catlett Road (Route 28), PIN #7900-75-6202-000, Cedar Run District. Mr. Rick Carr, Director of Community Development, summarized the special exception request. A representative (*name inaudible*) of Smith-Midland Corporation requested favorable consideration of the special exception application. No one else spoke. The public hearing was closed. Mr. Graham moved to adopt the following resolution. Mr. Winkelmann seconded, and the vote for the motion was unanimous, as follows:

<i>Ayes:</i>	<i>Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Joe Winkelmann; Mr. Harry Atherton; Mr. Larry L. Weeks</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

RESOLUTION

A RESOLUTION TO APPROVE SPECIAL EXCEPTION #SE02-CR-24
SMITH-MIDLAND FLOODPLAIN FILL APPLICATION
PIN #7900-75-6202-000

WHEREAS, Smith-Midland Corporation, owner/applicant, has filed an application to allow fill in a floodplain under the provisions of Articles 5-2300 of the Fauquier County Zoning Ordinance; and

WHEREAS, on May 30, 2002, the Planning Commission held a public hearing on this application and, on June 27, 2002, made a recommendation of approval; and

WHEREAS, the Board of Supervisors has considered the written and orally presented information of the applicants and conducted a public hearing on this application; and

WHEREAS, the Board of Supervisors has determined that the application satisfies the general standards of Article 5-006 and the additional standards for floodplain uses at Section 5-2300 of the Zoning Ordinance; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15th day of July 2002, That the application by Smith-Midland Corporation to allow for fill in a floodplain on Parcel Identification Number 7900-75-6202-000 be, and is, hereby, approved, subject to the following condition:

1. The tops of the acid etching process water treatment system structures shall be above the FEMA 100-year flood elevation, and the tanks shall be water tight below this elevation. The timing of this condition shall be no later than six (6) months from the date of the approval of this special exception or the approval of the FEMA Letter of Map Revision (LOMR), whichever is earlier.

A RESOLUTION TO APPROVE SPECIAL EXCEPTION #SE02-L-25, KENNETH AND CATHERINE DODSON, APPLICANTS, PIN #6869-48-2575-000

A public hearing was held to consider a request for special exception approval for Berta F. Lunau (Biritos), owner, and Kenneth and Catherine Dodson, applicants. The applicants wish to obtain special exception approval under Category 29 of the Zoning Ordinance, which would allow for the waiver of the public street requirement in residential zones. The property contains 64.8 acres, is zoned Rural Agriculture (RA), and is located on the east side of Lee's Mill Road (Route 651), PIN #6869-48-2575-000, Lee District. Mr. Rick Carr, Director of Community Development, summarized the request for special exception. Ms. Cathy Dodson, applicant, requested favorable consideration of the special exception request. No one else spoke. The public hearing was closed. Ms. McCamy moved to adopt the following resolution. Mr. Graham seconded, and the vote for the motion was unanimous, as follows:

<i>Ayes:</i>	<i>Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Joe Winkelmann; Mr. Harry Atherton; Mr. Larry L. Weeks</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

RESOLUTION

A RESOLUTION TO APPROVE SPECIAL EXCEPTION #SE02-L-25 KENNETH AND CATHERINE DODSON, APPLICANTS PIN #6869-48-2575-000

WHEREAS, Kenneth and Catherine Dodson, applicants, have filed an application to obtain approval, under Section 5-2900 of the Zoning Ordinance, to allow a waiver of the public street requirement to serve a proposed residence to be built on a \pm 4.3 acre parcel on the east side of Lees Mill Road, just north of its intersection with Freemans Ford Road, in Lee Magisterial District; and

WHEREAS, on May 30, 2002, the Planning Commission held a public hearing on this application, and has forwarded the application to the Board of Supervisors with recommendation of approval; and

WHEREAS, on July 15, 2002, the Board of Supervisors considered the written and orally presented information of the applicants and conducted a public hearing for this application; and

WHEREAS, the Board of Supervisors has determined that the application is in substantial conformance with the Comprehensive Plan and the applicable provisions of the Zoning Ordinance; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15th day of July 2002, That the application is in substantial accordance with the Fauquier County Comprehensive Plan, and is hereby approved, subject to the following conditions:

1. The special exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This special exception is granted only for the purpose(s), structure(s), and/or uses indicated on special exception plat approved with the application, as qualified by these development conditions.
3. This special exception is subject to the provisions of the Fauquier County Subdivision Ordinance, as may be determined by the Fauquier County Department of Community Development. Any plat submitted pursuant to this special exception shall be in conformance with the preliminary subdivision plat dated May 3, 2002, and these conditions.
4. The private street shall be constructed to a minimum width of 12 feet with grass shoulders. The right-of-way shall be no less than 50 feet and the access to Route 651 shall be as indicated on the preliminary subdivision plat and approved by the Virginia Department of Transportation.
5. Appropriately sized ditches along the private street shall be constructed.
6. The private street shall serve no more than the three (3) lots described in the applicant's statement of justification. These include the proposed lot and two (2) existing lots currently served by the private street.

7. The applicant shall obtain the proper land disturbing permits from the County if the area to be disturbed is in excess of 10,000 square feet.
8. Prior to subdividing the property, a road maintenance agreement applicable to all users of the private street shall be executed. The subdivision plat shall include the private street notation referenced in Section 7-306 of the Zoning Ordinance.
9. The slope of the private road shall not exceed 12%.

AN ORDINANCE TO APPROVE REZONING REQUEST #RZ02-L-07, DONALD K. BEAVER – BEAVER PROPERTY, PIN #6899-16-9372-000

A public hearing was held to consider a rezoning request from Donald K. Beaver, owner/applicant, to rezone approximately 1.618 acres from Rural Agriculture (RA) to Commercial-Highway (C-2). The property is located within the Bealeton Service District, sewer area, at the intersection of Marsh Road (Route 17) and Catlett Road (Route 28), PIN #6899-16-9372-000, Lee District. Due to an advertising error, Mr. Winkelmann moved to continue the public hearing until the next Board meeting on August 19, 2002. No one else spoke. Mr. Weeks seconded, and the vote for the motion was unanimous, as follows:

<i>Ayes:</i>	<i>Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Joe Winkelmann; Mr. Harry Atherton; Mr. Larry L. Weeks</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

A RESOLUTION TO AMEND THE FY 2002 ADOPTED BUDGET IN THE AMOUNT OF \$880,953

A public hearing was held to consider an amendment to the Fauquier County Fiscal Year 2002 Budget in the amount of \$880,953. Various budget related issues in the amount of \$880,953 have been identified which require a public hearing, including, but not limited to, \$424,972 for school textbooks and \$150,000 for mobile data terminals. Mr. Bryan Tippie, Budget Office Director, gave a summary of the proposed budget amendment. No one spoke. The public hearing was closed. Mr. Winkelmann moved to adopt the following resolution. Mr. Weeks seconded, and the vote for the motion was unanimous, as follows:

<i>Ayes:</i>	<i>Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Joe Winkelmann; Mr. Harry Atherton; Mr. Larry L. Weeks</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

RESOLUTION

A RESOLUTION TO AMEND THE FY 2002 ADOPTED BUDGET IN THE AMOUNT OF \$880,953

WHEREAS, the Board of Supervisors is charged by the Code of Virginia with the preparation of an annual budget for Fauquier County; and

WHEREAS, on March 19, 2001, the Fauquier County Board of Supervisors adopted the Fauquier County FY 2002 Budget; and

WHEREAS, during the course of the fiscal year certain events occur which necessitate changing the budget plan by increasing or decreasing the total budget; and

WHEREAS, the Finance Committee has recommended appropriation of \$271,083 and transfer of \$609,870 for the purpose set forth below; and

WHEREAS, the Code of Virginia requires local jurisdictions to hold a public hearing for any amendment to the adopted budget exceeding the lesser of \$500,000 or 1% of the total budget, which is scheduled to be held July 15, 2002; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 15th day of July 2002, That the County Administrator be, and is hereby, directed to consider amending the Fauquier County FY 2002 Budget in the amount of \$880,953 as follows:

<u>Source</u>	<u>FROM Code</u>	<u>Amount</u>	<u>Department</u>	<u>TO Code</u>	<u>Amount</u>
State Funds	3-100-244100-0130	\$2,785	Sheriff's Office	4-100-031200-5550	\$2,785
Federal Funds	3-100-331000-0040	\$452	Sheriff's Office	4-100-031230-8201	\$452
Federal Funds	3-100-331000-0040	\$1,156	Sheriff's Office	4-100-031230-1201	\$1,156
Insurance	3-100-411000-0010	\$18,775	Sheriff's Office	4-302-80301-8205	\$18,775
State Funds	3-205-242000-0090	\$9,100	School Division	4-205-061100-1621- 300-005-490	\$9,100
State Funds	3-205-242000-0081	\$16,783	School Division	4-100-053140-5718	\$16,783
Federal Funds	3-205-332000-0024	\$17,342	School Division	4-205-061100-8200- 300-005-480	\$17,342
Contingency Reserve	4-100-091400-9618	\$8,900	Contribution – Upperville Day Care	4-100-081600-5699	\$8,900
Contingency Reserve	4-100-091400-9618	\$39,000	County Administration	4-302-094120-8223	\$39,000
Cable TV Revenue	3-100-12400-0001	\$61,345	County Administration	4-302-80100-8215	\$61,345
CIP	3-302-80106-8200	\$3,148	CIP	4-302-94110-8207	\$3,148
School Funds	4-205-061100-1121- 200-001-000	\$424,972	School Division – Textbooks	4-302-94620-8208	\$424,972

Personal Property Revenue	3-100-113001-0001	\$65,500	Information Resources	4-302-94110-8212	\$65,500
Zoning Fees	3-100-133000-0037	\$9,945	Community Development	4-100-081200-8201	\$9,945
Sp Exception, Plat & Site Plan Fees	3-100-133000-0049	\$10,000	Community Development	4-100-81400-3170	\$20,000
	3-100-133000-0043	\$10,000			
Capital Improvement	4-302-94411-8215	\$16,000	General Services	4-302-94705-8215	\$16,000
Information Resources	4-100-12511-3160	\$15,750	Information Resources	4-302-94107-8207	\$15,750
Real Estate Revenue	3-100-111001-0001	\$150,000	Sheriff's Office	3-100-151000-0001	\$150,000
TOTAL		\$880,953		TOTAL	\$880,953

With no further business, the meeting was adjourned.

I hereby certify that this is a true and exact record of actions taken by the Fauquier County Board of Supervisors on July 15, 2002.

G. Robert Lee
Clerk